

[Docket No. C-1405]

PART 13—PROHIBITED TRADE PRACTICES

Emily Wetherby

Subpart—Importing, selling, or transporting flammable wear: § 13.1060 *Importing, selling, or transporting flammable wear.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 67 Stat. 111, as amended; 15 U.S.C. 45, 1191) [Cease and desist order, Emily Wetherby trading as Emily Wetherby, New York, N.Y., Docket C-1405, Aug. 13, 1968]

Consent order requiring a New York City importer of wearing apparel to cease marketing dangerously flammable products.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That the respondent Emily Wetherby, an individual trading as Emily Wetherby, or under any other name, and respondent's representatives, agents, and employees, directly or through any corporate or other device, do forthwith cease and desist from manufacturing for sale, selling, offering for sale, in commerce, or importing into the United States, or introducing, delivering for introduction, transporting, or causing to be transported in commerce, or selling or delivering after sale or shipment in commerce, any product as "commerce" and "product" are defined in the Flammable Fabrics Act, as amended, which fails to conform to an applicable standard or regulation continued in effect, issued or amended under the provisions of the aforesaid Act.

It is further ordered, That the respondent herein shall, within ten (10) days after service upon her of this order, file with the Commission an interim special report in writing setting forth the respondent's intention as to compliance with this order. This interim special report shall also advise the Commission fully and specifically concerning the identity of the product which gave rise to the complaint, (1) the amount of such product in inventory, (2) any action taken to notify customers of the flammability of such product and the results thereof and (3) any disposition of such product since November 22, 1967. Such report shall further inform the Commission whether respondent has in inventory any fabric, product or related material having a plain surface and made of silk, rayon or cotton or combinations thereof in a weight of 2 ounces or less per square yard or fabric with a raised fiber surface made of cotton or rayon or combinations thereof. Respondent will submit samples of any such fabric, product, or related material with this report. Samples of the fabric, product, or related material shall be of no less than 1 square yard of material.

It is further ordered, THAT the respondent herein shall, within sixty (60) days after service upon her of this order, file with the Commission a report in writing setting forth in detail the man-

ner and form in which she has complied with this order.

Issued: August 13, 1968.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 68-11708; Filed, Sept. 26, 1968; 8:45 a.m.]

[Docket No. 8746]

PART 13—PROHIBITED TRADE PRACTICES

World Sewing Center, Inc., and All States Sewing Center et al.

Subpart: Misrepresenting oneself and goods—Business status, advantages or connections: § 13.1370 *Business methods, policies, and practice.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Modified order to cease and desist, World Sewing Center, Inc., d.b.a. All States Sewing Center et al., Dorchester, Mass., Docket 8746, Aug. 13, 1968]

In the Matter of World Sewing Center, Inc., a Corporation, d.b.a. All States Sewing Center and Ernest Rose, Individually and as an Officer of Said Corporation

Order reopening and modifying a cease and desist order dated June 7, 1968, 33 F.R. 9543, charging a sewing machine distributor with certain deceptive sales practices by eliminating penalty provisions against present and future salesmen of the respondent.

The modified order to cease and desist, is as follows:

It is therefore ordered, That this proceeding be, and it hereby is, reopened.

It is further ordered, That paragraph 14 of said order be, and it hereby is, altered to read as follows:

Failing to deliver a copy of this order to cease and desist to all present and future salesmen or other persons engaged in the sale of the respondents' products or services and failing to secure from each such salesman or other person a signed statement acknowledging receipt of said order.

Issued: August 13, 1968.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 68-11715; Filed, Sept. 26, 1968; 8:45 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of Transportation

[CGFR 68-107]

PART 117—DRAWBRIDGE OPERATION REGULATIONS

Notice of Temporary Drawbridge Closure, Hillsborough River, Fla.

1. The City of Tampa, Fla., by letter dated August 8, 1968, requested the Jacksonville District, Corps of Engineers to

In the Matter of Steiner & Stein Fur Co., a Partnership, and Leo Steiner and Paul Stein, Individually and as Copartners Trading as Steiner & Stein Fur Co.

Consent order requiring a New York City manufacturing furrier to cease misbranding and falsely invoicing its fur products.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Steiner & Stein Fur Co., a partnership, trading under its own name, or any other name, and Leo Steiner and Paul Stein, individually and as copartners trading as Steiner & Stein Fur Co., and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction, or manufacture for introduction, into commerce, or the sale, advertising, or offering for sale in commerce, or the transportation or distribution in commerce, of any fur product; or in connection with the manufacture for sale, sale, advertising, offering for sale, transportation, or distribution of any fur product which is made in whole or in part of fur which has been shipped and received in commerce, as the terms "commerce," "fur," and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Misbranding fur products by:

1. Representing, directly or by implication, on labels that the fur contained in any fur product is natural when the fur contained therein is pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

2. Failing to affix labels to fur products showing in words and in figures plainly legible all of the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act.

B. Falsely or deceptively invoicing fur products by:

1. Failing to furnish invoices, as the term "invoice" is defined in the Fur Products Labeling Act, showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

2. Representing, directly or by implication, on invoices that the fur contained in the fur products is natural when such fur is pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: August 19, 1968.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 68-11714; Filed, Sept. 26, 1968; 8:45 a.m.]

permit the closure to navigation of the Platt Street bridge across the Hillsborough River from 7:30 p.m. to 10 p.m. on Monday, October 7, 1968, to permit a Fire Prevention Parade to use Platt Street. The purpose of this notice is to temporarily amend the requirements in 33 CFR 117.465(a)(1) and to prescribe temporary special regulations in 33 CFR 117.465(a)(1)(i) for the operation of Platt Street bridge across the Hillsborough River at Tampa, Fla., from 7:30 p.m. to 10 p.m. on October 7, 1968, only.

2. By virtue of the authority vested in me as Commandant, U.S. Coast Guard, by 14 U.S.C. 632 and 49 CFR 1.4(a)(3), the text of 33 CFR 117.465(a)(1)(i) shall read as follows and shall be effective on October 7, 1968, from 7:30 p.m. to 10 p.m. only.

§ 117.465 Hillsborough River, Tampa, Fla.

(a) *City of Tampa highway bridges at Platt and Krause Streets and State Road Department of Florida highway bridge at Lafayette Street.* (1) Except as otherwise provided in subparagraph (2) of this paragraph, the owners of or agencies controlling these bridges shall not be required to open the draws for the passage of vessels between 8:30 a.m. and 9:30 a.m. and between 5 p.m. and 6:15 p.m. on all days except Sundays.

(i) The owners of or agencies controlling the Platt Street bridge may keep the drawspans closed to navigation from 7:30 p.m. to 10 p.m. on October 7, 1968, except that the draws shall be opened promptly upon signal from a public vessel of the United States, the City of Tampa fireboat or from a vessel in distress.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g), 80 Stat. 941; 33 U.S.C. 499, 49 U.S.C. 1655(g); 49 CFR 1.4(a)(3)(v); 32 F.R. 5606)

Dated: September 18, 1968.

W. J. SMITH,
Admiral, U.S. Coast Guard,
Commandant.

[F.R. Doc. 68-11720; Filed, Sept. 26, 1968; 8:46 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

PAPER AND PAPERBOARD

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 8B2253) filed by Minnesota Mining & Manufacturing Co., Inc., 2501 Hudson Road, St. Paul, Minn. 55119, and other relevant material, concludes that the food additive regulations should be

amended to provide for the use of an additional optional substance, as specified below, in the manufacture of paper and paperboard used in contact with aqueous and fatty foods. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under authority delegated to the Commissioner (21 CFR

2.120), § 121.2526(a)(5) is amended by alphabetically inserting in the list of substances a new item, as follows:

§ 121.2526 Components of paper and paperboard in contact with aqueous and fatty foods.

- * * * * *
- (a) * * *
- (5) * * *

List of substances

Limitations

Ammonium bis(*N*-ethyl-2-perfluoroalkyl-sulfonamido ethyl) phosphates, containing not more than 15% ammonium mono (*N*-ethyl-2-perfluoroalkylsulfonamido ethyl) phosphates, where the alkyl group is more than 95% C₈ and the salts have a fluorine content of 50.2% to 52.8% as determined on a solids basis.

For use only as an oil and water repellent at a level not to exceed 0.17 pound (0.09 pound of fluorine) per 1,000 square feet of treated paper or paperboard, as determined by analysis for total fluorine in the treated paper or paperboard without correction for any fluorine that might be present in the untreated paper or paperboard, when such paper or paperboard is used in contact with non-alcoholic foods under the conditions of use described in paragraph (c) of this section, table 2, condition of use D, E, F, and G.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: September 16, 1968.

J. K. KIRK,
Associate Commissioner
for Compliance.

[F.R. Doc. 68-11748; Filed, Sept. 26, 1968; 8:48 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department
PART 125—MATTER MAILABLE UNDER RULES

Delivery of Firearms

In the daily issue of Thursday, June 13, 1968 (33 F.R. 8678), the Post Office Department published a notice of proposed rule making consisting of the addition of a new § 125.9 to provide that the postmaster at the office of address

shall not make delivery of any firearm without first notifying the chief law enforcement official for the community in which the addressee resides that delivery of a firearm to the addressee will be made in the ordinary course of the mails.

In that same daily issue of Thursday, June 13, 1968 (33 F.R. 8667-8668) the Department issued temporary regulations containing the same terms as the proposed rule for a period of 90 days.

After careful consideration of all comments received, the Department has determined to adopt the proposal as set out in the published notice with the exception that the permanent regulations are expanded for clarity and contain a definition of firearms, instructions for marking such parcels, and a list of exceptions to the regulations.

As a hiatus between the temporary regulations presently in force and the permanent regulations now being adopted would be contrary to the public interest, new § 125.9 is adopted upon publication in the FEDERAL REGISTER:

§ 125.9 Notice of delivery of rifles, shotguns, and other mailable firearms.

(a) *Definition of "firearms".* A firearm is a device from which a projectile may be fired or otherwise expelled by the action of an explosion, spring or other mechanism, or air or gas pressure, with sufficient force to enable the device to be used as a weapon.

(b) *Marking of parcels.* Any parcel which contains one or more firearms and which is tendered for deposit in the mails must display on its exterior the word "FIREARMS" in at least one-inch-high, bold, block letters. Any such parcel not so displaying such word shall not be accepted for carriage in the mails.

(c) *Recording and disclosure of deliveries.* The postmaster of the office of address of any such parcel shall make in triplicate a record on Form 3761, Notice of Delivery of Firearms, of the name and address of the addressee of such parcel.

One copy of this record shall be supplied daily to the chief law enforcement official for the community specified in the parcel address. The third copy of such record shall be furnished to the Postal Inspection Service when and as required by such Service. Postmasters are also authorized to disclose these records of firearms deliveries to any Federal or State law enforcement agency upon request therefor.

(d) *Exceptions.* The provisions of this section shall not apply to the following instances:

(1) Parcels addressed to the Federal Bureau of Investigation or its Director, or to the scientific laboratory or crime detection bureau of any agency whose members are officers of a State, territory, or district authorized to serve warrants of arrest or commitment.

(2) Parcels mailed by a Federal Government agency directed to any qualified addressee as listed in paragraphs (a) (1) through (a) (7) of § 125.5.

(3) Parcels addressed to any manufacturer of firearms or bona fide dealers therein, or from one to the other.

NOTE: The corresponding Postal Manual section is 125.9.

(5 U.S.C. 301; 18 U.S.C. 1715; 39 U.S.C. 501)

TIMOTHY J. MAY,
General Counsel.

SEPTEMBER 26, 1968.

[F.R. Doc. 68-11846; Filed, Sept. 26, 1968; 9:20 a.m.]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

[Release Nos. 33-4923, 34-8409]

PART 231—INTERPRETATIVE RELEASES RELATING TO SECURITIES ACT OF 1933 AND GENERAL RULES AND REGULATIONS THEREUNDER

PART 241—INTERPRETATIVE RELEASES RELATING TO SECURITIES EXCHANGE ACT OF 1934 AND GENERAL RULES AND REGULATIONS THEREUNDER

Industrial Revenue Bonds; Clarification of Effective Date

The staff of the Commission has received a number of inquiries with respect to the effective date of Rule 131 (17 CFR 230.131) under the Securities Act of 1933 and Rule 3b-5 (17 CFR 240.3b-5) under the Securities Exchange Act of 1934 relating to industrial revenue bonds. These rules provide in substance that where such bonds are payable from the proceeds of a lease, sale or loan arrangement by a commercial enterprise, a separate security is created which is subject to the requirements of said Acts.

These rules provide that they will apply to transactions with respect to such securities sold after December 31, 1968.

The term "sold" was inserted in paragraph (c) of each rule in order to make clear that the rule will not apply if the securities are acquired and paid for by the underwriters on or before December 31, 1968. The provision was not intended to mean that the rule would be applicable unless the securities are sold to the public before such date.

By the Commission, September 16, 1968.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 68-11735; Filed, Sept. 26, 1968; 8:47 a.m.]

Title 46—SHIPPING

Chapter II—Maritime Administration, Department of Commerce

SUBCHAPTER J—MISCELLANEOUS

[General Order 92—Appendix]

PART 375—EXCHANGE OF WAR-BUILT VESSELS

Statement of Policy

The following statement of policy is hereby added as an appendix at the end of this part:

APPENDIX

STATEMENT OF POLICY

The Ship Exchange Act, section 510(i) of the Merchant Marine Act, 1936, as amended, Public Law 86-575, 74 Stat. 312, 46 U.S.C. 1160(i), provides for the values of vessels traded-in and traded-out under that Act to be the "fair and reasonable" values of such vessels as determined by the Secretary of Commerce after considering (1) the scrap value both in American and foreign markets, (2) the depreciated value, and (3) the market value for operation in the world trade or in the foreign or domestic trade of the United States.

The Ship Exchange Act further provides that in determining the "fair and reasonable value" of vessels to be exchanged there shall also be considered the cost of placing the vessel in class with respect to hull and machinery, and, with respect to any traded-out vessels of the military type, the cost of re-converting and restoring such vessels for normal operation in commercial service.

The Secretary of Commerce has delegated his authority under the Ship Exchange Act to the Maritime Administrator. (Section 3 of Department Order 117-A, 31 F.R. 8087; Section 3, Subsection a, of Department Order 117-B, 33 F.R. 153)

The provisions of the Ship Exchange Act prescribing the requirements for valuing vessels were amended by Public Law 89-254, 79 Stat. 980, and, as a result of that amendment, the Maritime Administrator is now required to value all vessels traded-in and traded-out under the Ship Exchange Act "on the basis yielding the highest fair return to the Government commensurate with the purposes" of the Ship Exchange Act.

It has been the policy of the Maritime Administration to determine the values of traded-in and traded-out vessels under the Ship Exchange Act by averaging the American and restricted world market values, except for tankers and military type vessels traded-out, in which case the values are based on American market values, "as is, where is."

In view of the amendment of the valuation provisions of the Act referred to above, the policy of averaging American and restricted world market values can no longer be followed because it does not yield the "highest fair return to the Government commensurate with the purposes" of the Ship Exchange Act.

Values on the American market are now generally higher than values on the restricted world market.

Therefore, as required by the valuation provisions of the Act as amended, the Acting Maritime Administrator has determined, and approved as a matter of policy, that after considering (1) the scrap value both in American and foreign markets, (2) the depreciated value, (3) the market value for operation in the world trade or in the foreign or domestic trade of the United States, and (4) the cost of class and conversion work necessary on the vessels being valued:

1. The American market values of the traded-in and traded-out vessels will represent the "fair and reasonable values" of such vessels, in the absence of material unforeseen circumstances, and will be approved as such for all vessels traded-in and traded-out under the Ship Exchange Act.

2. Military type vessels and tankers being traded-out shall be valued on the basis of American market value, "as is, where is", assuming the ship's shell plating is structurally sound and its machinery well preserved, subject to adjustment for deficiencies in shell plating and machinery as determined by the Chief, Office of Ship Operations, but in no event shall the vessel's value be less than its domestic scrap value assuming it were sold with the privilege of scrapping in a friendly foreign country.

3. In each exchange of vessels, the value of the vessel traded-in unless based on scrap value, and the value of the vessel traded-out shall be calculated in the same manner.

Dated: September 19, 1968.

By order of the Acting Maritime Administrator.

JOHN M. O'CONNELL,
Assistant Secretary.

[F.R. Doc. 68-11854; Filed, Sept. 26, 1968; 10:38 a.m.]

Chapter IV—Federal Maritime Commission

SUBCHAPTER B—REGULATIONS AFFECTING MARITIME CARRIERS AND RELATED ACTIVITIES

[Docket No. 68-33; General Order 13; Amdt. 2]

PART 531—PUBLICATION, POSTING, AND FILING OF FREIGHT AND PASSENGER RATES, FARES, AND CHARGES IN THE DOMESTIC OFFSHORE TRADE

PART 536—FILING OF TARIFFS BY COMMON CARRIERS BY WATER IN THE FOREIGN COMMERCE OF THE UNITED STATES AND BY CONFERENCES OF SUCH CARRIERS

Exemption; State of Alaska Ferry System

On June 29, 1968, the Federal Maritime Commission published in the FEDERAL REGISTER, 33 F.R. 9556-7, a proposed rule in its Docket No. 68-33 which would exempt certain activities of the Alaska State Ferry System from regulation by the Commission. Specifically, all of the